

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BARRY LINTON,	:
	:
Plaintiff	:
	:
v.	:
	:
NEW YORK LIFE INSURANCE AND ANNUITY	:
CORPORATION,	:
	C.A. No. 04-11362-RWZ
Defendant.	:

JOINT STIPULATED SCHEDULING ORDER

Plaintiff Barry Linton through his undersigned counsel, and Defendant New York Life Insurance and Annuity Corporation (“New York Life”), through its undersigned counsel, (collectively, the “Parties”) hereby stipulate and agree to the following schedule:

1. ***Answer:*** The deadline for the filing of an answer shall be April 4, 2005.
2. ***Joinder of Other Parties:*** The deadline for joinder of other parties shall be April 4, 2005, absent good cause shown.
3. ***Discovery:***
 - a) Discovery between the parties and directed by the parties to third-parties may commence immediately, subject to the following:
 - b) The parties shall exchange requests for the production of documents and things pursuant to Fed. R. Civ. P. 34 and 26 (the “Discovery Requests”), if any, on or before April 8, 2005. Any responses due to the Discovery Requests, including the production of responsive documents, shall occur on April 28, 2005 unless otherwise agreed by the parties.
 - c) Deposition discovery shall commence immediately;
 - d) Expert discovery, including expert depositions, shall commence on August 31, 2005;

e) Affirmative reports from retained experts required by Fed. R. Civ. P. 26(a)(2) shall be served simultaneously by the Parties on or before August 31, 2005. Rebuttal reports, if any, may be served within 30 days of receipt by a party of an affirmative report.

4. ***Dispositive Motions:*** Dispositive motions, if any, shall be served by December 2, 2005.

5. ***Pretrial Conference:*** A pretrial conference pursuant to Fed. R. Civ. P. 16(d) shall be held on _____.

6. ***Trial:*** Trial will commence at _____ a.m./p.m. on _____. The parties believe that the trial will take approximately _____.

7. ***Other Matters:***

- a) All discovery shall be governed by the Federal Rules of Civil Procedure, the Local Civil Rules of this Court, this Scheduling Order (and any modifications thereto), and any subsequent orders of the Court.
- b) This Scheduling Order may be altered or amended only on a showing of good cause not foreseeable as of the date hereto, or when justice requires.

Respectfully submitted,

BARRY LINTON

By his attorneys,

/s/P. Andy Henderson
Richard J. Grahn (BBO #206620)
P. Andy Henderson, Jr. (BBO #655891)
Looney & Grossman LLP
101 Arch Street
Boston, MA 02110
(617) 951-2800

NEW YORK LIFE INSURANCE AND
ANNUITY CORPORATION

By its attorneys,

/s/ Robert G. Jones (By permission)
John D. Donovan, Jr. (BBO # 130950)
Robert G. Jones (BBO #630767)
Levina Wong (BBO #654510)
ROPES & GRAY LLP
One International Place
Boston, MA 02110
(617) 951-7000

Dated: April 21, 2005

So ordered,

Honorable Rya W. Zobel, U.S.D.J.